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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,689	12/05/2001	Russell P. Lentini	12394-01/JWE	2596

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EXAMINER

SALAD, ABDULLAHI ELMI

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/016,689

Applicant(s)

LENTINI ET AL.

Examiner

Salad E. Abdullahi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-21 is/are allowed.
- 6) ☒ Claim(s) 1-5,9-12,22 and 23 is/are rejected.
- 7) ☒ Claim(s) 6-8 and 13-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Amendment

1. The amendment filed on 7/8/2005 has been received and made of record.
2. Applicant's argument with respect to claims 1-5, 9-12 and 22-23 has been fully considered but are moot in view of new grounds of rejection.

Allowable Subject Matter

1. Claims 16-21 are allowed.
2. Claims 6-8 and 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
3. Applicant's arguments with respect to claims 1-5, 9-12 and 22-23 have been considered but are moot in view of the new ground(s) of rejection.

Double Patenting

4. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefore" (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in

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scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

5. Claims 1-23 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-23 of copending Application No. 10/123-098. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 22-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Jamtgaard et al., U.S. Patent No. 6,430,624.

As per claim 22, Jamtgaard discloses a system for collaborative exchange of Web based content information between and among disparate and unrelated content sources, the system comprising:

at least a web content server (13), disposed at a facility, the facility belonging to a particular content provider, the provider providing content through the web server(see fig. 4 and col. 6, lines 32-67);

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a server appliance(44), electronically disposed between the web server and a wide area communication network, the appliance terminating a HTTP session directed to the web server and initiating a HTTP session with the web server as a substitute(see fig. 4 and col. 7, lines 31-47); and

a network client (15), the client operatively responsive to user input commands and coupled to communicate over the wide area communication network(see fig. 4 and col. 7, lines 31-47); and

wherein the server appliance including means for simulating (i.e., representing) said network client to said content server without intervention by the user (see col. 7, lines 31-47).

As per claim 23, Jamtgaard discloses the system according to claim 22, further comprising a proxy URL, the appliance communicating with the content server and accumulating operational documents and pages therefrom, the appliance compiling said documents and pages into said proxy URL, the appliance providing said URL to the user such that the user is able to enter into a content server session at an entry point represented in the proxy URL (see col. 7, lines 31-47).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-5, and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jamtgaard et al., U.S. Patent No. 6,430,624 in view of Huang et al., U.S. Patent No. 6,438,576[hereinafter Huang].

As per claim 1, Jamtgaard discloses a system for collaborative exchange of Web based content information between and among disparate and unrelated content sources, the system comprising:

at least a web content server (13), disposed at a facility, the facility belonging to a particular content provider, the provider providing content through the web server (see fig. 4 and col. 6, lines 32-67);

a server appliance (44), electronically disposed between the web server and a wide area communication network, the appliance terminating a HTTP session directed to the web server and initiating a HTTP session with the web server as a substitute (see fig. 4 and col. 7, lines 31-47); and

a content collaboration engine (40), the engine hosted on the server appliance, the content collaboration engine further comprising;

a content recognition engine, the recognition engine receiving content from the web server in response to the HTTP session initiated by the appliance, the recognition engine converting received content to DOM, the recognition engine further classifying content in accordance with XML recognition rules (see fig. 6 and col. 9, lines 48-63);

and a content mapping engine(42) , the mapping engine extracting content definition fields from classified content and, the requested content having content definition fields including values substantially the same as the extracted content definition fields (see

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col. 8, lines 62 to col. 9, line 39 and col. 10, lines 21-47) .

Jamtgaard is silent regarding: requesting related content from collaborating sites.

Huang discloses a collaborative proxy system including requesting related content from collaborating sites (i.e., collaborating content server) (see col. 3, lines 38-49). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to utilize the content collaboration mechanism as taught by Huang in order to facilitate document exchange among collaborating server.

As per claim 2, Jamtgaard discloses the system according to claim 1, further comprising a content fusion engine, the fusion engine integrating related content received from collaborating sites with classified content, the fusion engine converting the fused content to a desired output format (see col. 10, lines 21-47).

As per claim 3, Jamtgaard discloses the system according to claim 2, wherein the desired output format is selected from a group consisting of HTML, WML, XML, and PDF (see col. 4, line 58 to col. 5, line 6).

As per claims 4 and 5, Jamtgaard discloses the system according to claim 2, further comprising:

a network gateway (see fig. 2, element 14);

a network management agent (appliance connection controller) (see col. 7, lines 13-47); and

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wherein the server appliance is coupled to the network management agent, the agent configured to redirect HTTP requests made to the content server to the appliance(see col. 7, lines 13-47).

As per claim 6, Huang discloses the system according to claim 2, further comprising:

a consortium of content sources (content sharing proxies) (see figs.1 and 4 and col. 3, lines 38-49 and col. 7, lines 22-42);

a content category structure definition (see figs.1 and 4 and col. 3, lines 38-49 and col. 7, lines 22-42).

a request for information protocol (see figs.1 and 4 and col. 3, lines 38-49 and col. 7, lines 22-42);

wherein the content category structure definition comprises a format for categorizing all content sources collaborating in the exchange of content within the consortium(see figs.1 and 4 and col. 3, lines 38-49 and col. 7, lines 22-42).

As per claim 7-8, Jamtgaard discloses the system according to claim 6, wherein the request for information protocol comprises a format for defining a structure that identifies valid content fields a content provider can be queried against in order to identify and recover content from a specific category categorized by the content category structure definition (see col. 6, lines 54-67).

As per claim 9, Jamtgaard discloses a system for exchanging Web based content

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information between and among disparate and unrelated content sources, a method for collaborative exchange of related content, the method comprising:

providing content through at least a web server, disposed at a facility, the facility

belonging to a particular content provider(see fig. 4 and col. 6, lines 32-67);

electronically disposing a server appliance between the web server and a wide area communication network, the appliance terminating a HTTP session directed to the web server and initiating a HTTP session with the web server as a substitute; and

receiving content from the web server in response to the HTTP session initiated by the appliance(see fig. 4 and col. 7, lines 31-47);

converting received content to DOM(see fig. 6, and col. 9, lines 48-63);

classifying content in accordance with XML recognition rules(see fig. 7, and col. 10, lines 21-47); and

extracting content definition fields from classified content (col. 10, lines 21-47).

Jamtgaard is silent regarding: requesting related content from collaborating sites.

Huang discloses a collaborative proxy system including requesting related content from collaborating sites (i.e., collaborating content server) (see col. 3, lines 38-49). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to utilize the content collaboration mechanism as taught by Huang in order to facilitate document exchange among collaborating server.

As per claim 10, Jamtgaard discloses the method according to claim 9, further comprising: requesting related content from collaborating sites, the requested content

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having content definition fields including values substantially the same as the extracted content definition fields (see col. 10, lines 48-56); and integrating related content received from collaborating sites with classified content (col. 10, lines 21-47).

As per claims 11-12, Jamtgaard discloses the method according to claim 10, further comprising the step of converting the fused content to a desired output format, wherein the desired output format is selected from a group consisting of HTML, WML, XML, and PDF (see col. 4, line 58 to col. 5, line 6).


Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salad E Abdullahi whose telephone number is 571-272-4009. The examiner can normally be reached on 8:30 - 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

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12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Abdullahi Salad
Primary examiner
10/1/2005